

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL
2.8 AUTHORIZED WEAPONS, AMMUNITION AND RELATED TRAINING

SUBJECT: Authorized Weapons, Ammunition and Related Training		
2.8	EFFECTIVE: 12-08-17	<i>William Cochran</i> William Cochran, Chief of Police
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2.8.1 PURPOSE

To provide the rules and regulations governing the carrying and using of authorized weapons and ammunition by officers in the performance of their duties.

2.8.2 POLICY

In the performance of law enforcement duties, officers may only carry authorized weapons and ammunition and shall use them only in accordance with Departmental training. This policy does not regulate personally owned weapons and ammunition used in an officer's personal life.

2.8.3 AUTHORIZED WEAPONS AND AMMUNITION

- A. Authorized by department policy prior to use. <4.3.1>
- B. The Armorer shall maintain a list of authorized weapons, firearms accessories, firearms related equipment and ammunition and shall update it as needed to ensure their relevance as quality and specifications for these items change rapidly
- C. Officers must successfully complete the respective basic certification course prior to utilizing an authorized weapon unless exigent circumstances arise which would warrant the immediate use for necessitating the saving of life.
- D. When outside the secure area of the LEC or a substation, officers overtly identifiable as law enforcement officers (i.e. uniformed, detective, plain clothes, court or training attire) shall:
 - 1. Carry authorized firearms in an authorized retention holster with at least one (1) active retention feature
 - 2. Carry at least one (1) full reload for their primary handgun
 - 3. Carry at least one (1) intermediate weapon (i.e. baton, pepper spray, or ECD)
- E. Officers shall not carry authorized weapons when the officer's judgement is impaired for any reason

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- F. On duty officers shall secure authorized weapons when not in use to prevent unauthorized access. <4.3.1.f>
- G. Officers shall maintain their authorized weapons in an operationally safe and functional condition and report any problems to the certified armorer. <4.3.1.c>
- H. Unsafe authorized weapons shall be repaired, replaced or they shall be prohibited from carry. <4.3.1.d>
- I. Officers shall safely handle authorized weapons to avoid a negligent or accidental discharge
- J. Testing and Evaluating (T&E) Equipment
 - 1. A request outlining the need to T&E the item(s) must be sent to the Chief's Office for approval prior to testing or purchasing;
 - 2. A request must be sent to the Chief's Office when any vendor wishes to loan or gift an item to the Department for T&E; and
 - 3. The requests shall include personnel who will T&E the item(s) and an inventory record shall be kept by the requesting party to track the item throughout the process.
- K. Response Team duties require the use of specialized weapons and equipment other than those authorized by this policy. Policies specific to Response Team duties shall cover these requirements.

2.8.4 RECERTIFICATION OF AUTHORIZED WEAPONS

- A. Proficiency Test of Qualification
 - 1. Shall be graded on a pass/fail basis. Officers will be given more than one chance to pass on a given training day.
 - 2. Any officer who fails to pass a proficiency examination during a training day with any authorized weapon shall not be permitted to carry that weapon until they receive a passing score on the proficiency examination <4.3.2; 4.3.3.c>
- B. All proficiency training will be conducted by a certified, as well as department authorized, instructor. <4.3.3.a>
- C. The instructor conducting such training will document all training and proficiency and forward to the Training Unit. <4.3.3.b>
- D. Proficiency training for other authorized weapons will be held at least once every two years.
- E. Authorized weapons use and training is determined by the Training Director and approved by the Chief of Police, not individual instructors.

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2.8.5 OFF-DUTY CARRY

- A. Officers are not always on-duty and, therefore, are not required to carry authorized weapons when off-duty.
- B. Officers may choose to carry authorized weapons while off-duty, as authorized by Kansas Statute and Federal Law, and shall
 - 1. Carry a department badge and department issued identification card
 - 2. Carry at least one (1) full reload for their primary handgun

2.8.6 FIREARMS

- A. Care, Maintenance, Modification and Inventory
 - 1. Officers shall use a bullet containment trap, or a safe backdrop when a containment trap is not available to load and unload firearms
 - 2. Any repair or modification of department owned firearm shall be authorized by the Armorer and completed by certified personnel
 - 3. Any repair or modification of an authorized back-up/personal firearm shall be inspected and authorized by the Armorer prior to use
 - 4. All authorized firearms shall be inventoried in an approved database by the Armorer.
- B. Carrying of Authorized Weapons
 - 1. Topeka Police officers are not always on duty and therefore are not required to be armed at all times.
 - 2. Officers may choose to be armed while off-duty as authorized by Kansas Statute and federal law.
 - 3. Qualified active law enforcement officers employed by the Topeka Police Department are eligible to carry concealed weapons while off-duty and across state lines, provided they are:
 - a. Authorized by law to engage in or supervise the prevention, detection, investigation, or the incarceration of any person for any violation of law.
 - b. Authorized by the agency to carry a firearm.
 - c. Meet the standards established by the Department which require the employee to regularly qualify in the use of a firearm.
 - d. Are not under the influence of alcohol or another intoxicating of hallucinatory drug or substance.
 - e. Are not prohibited by federal law from possessing a firearm.
 - 4. Officers who intervene in an off-duty status must have the proper equipment for the situation. The three levels of intervention allowed are listed below. Each level is based on the equipment immediately available to the officer.

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- a. Level One: Firearm, badge, Department photo ID. Officers carrying this equipment are only authorized to intervene in a situation where death or serious injury appears probable. These officers are not authorized to intervene in situations where a lesser level of control is appropriate.
 - 1. When an officer does not or cannot intervene in a law enforcement capacity he still has a duty to assist other officers or the public in a reasonable manner. This includes calling for a police response when required, and being a cooperative witness.
 - b. Level Two: Firearm, intermediate weapon, badge and Department photo ID. This officer is authorized to intervene in situations where the officer reasonably suspects the following as outlined in KSA 22-2402:
 - 1. The person is committing a crime;
 - 2. The person has committed a crime;
 - 3. The person is about to commit a crime.
 - a. When an officer does not or cannot intervene in a law enforcement capacity he still has a duty to assist other officers or the public in a reasonable manner. This includes calling for a police response when required, and being a cooperative witness.
 - c. Level Three: No firearm, no intermediate weapon. This officer is not tactically equipped to intervene in a situation that may escalate. The Officers will refrain from becoming involved in the situation, if possible.
 - 1. When an officer does not or cannot intervene in a law enforcement capacity he still has a duty to assist other officers or the public in a reasonable manner. This includes calling for a police response when required, and being a cooperative witness.
5. Extra-duty employment weapons carry.
- a. Officers will carry and use only Department authorized handguns and ammunition while working extra-duty.
6. Light duty carrying of handguns.
- a. Officers working on light duty status may carry an authorized handgun under the following conditions.
 - 1. The condition which causes the officer to be on light duty does not prevent the officer from drawing and firing the handgun.
 - 2. The officer must carry and be able to deploy a Department authorized intermediate weapon.
 - 3. The officer must carry a badge and Department photo ID and;
 - 4. The officer must receive authorization from their Bureau Commander.

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C. Carry and Equipment

1. Handguns
 - a. Shall be carried in a holster authorized by the Armorer and;
 - b. Officers are authorized to utilize a handgun mounted flashlight upon receiving department specific training and based on current unit assignment(s).
2. Long guns (i.e. rifles and shotguns)
 - a. Shall be equipped with a sling authorized by the Armorer
 - b. Shall be carried with chamber empty, bolt forward, safety on and loaded magazine inserted while being transported
 - c. Shall be secured in an appropriate locking mount when in the vehicle cabin, or secured in the trunk area, while being transported and;
 - d. Officers are authorized to utilize a weapon mounted flashlight upon receiving department specific training.
3. Officers who utilize a weapon mounted flashlight (handgun or long gun) shall have an alternate flashlight for searching and observation purposes when the use of a weapon mounted light to illuminate an area would not be appropriate.
4. Laser devices are prohibited on authorized firearms

D. Personal Firearms:

1. Officers may carry a personal primary handgun or patrol rifle on-duty as long as they are the same make, model, and chambering as what is issued or authorized by the department.
2. Officer may carry back-up handguns and they shall be carried concealed
3. Handguns shall be chambered in:
 - a. Auto: .380 ACP or larger
 - b. Revolver: .38 SPL or larger
4. Prior to use on-duty, officers shall pass the respective firearms qualification course of fire and;
5. Complete a "Request to Carry Personal Firearm" form consisting of:
 - a. Inspection and authorization by the Armorer <1.3.9 c>
 - b. Authorization by the officer's chain of command
 - c. Authorization by the Chief of Police

E. Qualification

1. Firearms proficiency training shall be held semi-annually.
2. Officers shall pass the respective firearms qualification course-of-fire annually with each firearm to remain authorized to carry it.
3. Officers shall pass the KS CPOST handgun qualification course-of-fire bi-annually with their primary duty handgun:

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- a. On the day of qualification, officers shall be given two attempts, followed by immediate remedial training, before being given a third and final attempt;
 - b. Failure to qualify with a primary duty handgun on the day of qualification will result in the officer being placed on administrative duty for up to a six week period for remedial training;
 - c. Failure to qualify during this six week period may result in termination unless the time frame is extended by the Chief of Police;
 - d. This procedure is not intended for those instances in which a sworn employee is unable to qualify due to a medical condition.
4. All sworn officers and retired officers are required to score a minimum of 75% on the KS CPOST handgun qualification course-of-fire.

F. Recruit Officers

1. Recruit officers shall be required to pass both the KLETC qualification course-of-fire and the KS CPOST course-of-fire.
2. Recruit officers failing to pass either the KLETC qualification course-of-fire or the KS CPOST course-of-fire shall be given remedial training by the Range-master, or designee.
3. Recruit officers will have three (3) additional attempts to pass the KLETC qualification course-of-fire and the KS CPOST course-of-fire.
4. Recruit officers failing to pass either the KLETC qualification course-of-fire or the KS CPOST course-of-fire will be subject to removal from the academy.

G. Retired Officers

1. Retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability.
2. Was regularly employed as a law enforcement officer for an aggregate of 15 years or more before retirement, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency.
3. Has a non-forfeitable right to benefits under the retirement plan of the agency.
4. During the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms.
5. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
6. Is not prohibited by Federal law from receiving a firearm.

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7. Shall first agree to and sign a waiver and release form prior to taking part in any qualification course on the Topeka Police Department range.
8. Must provide their own handgun capable of being loaded with five (5) or more rounds.
9. Must provide their own ammunition, cleaning supplies and holster.
10. All handguns and holsters must pass inspection by the Range Master.
11. The Range Master shall hold announced weapon qualifications for retired officers desiring to qualify and carry a retired concealed weapon ID. The qualification dates may coincide with current officer qualification dates if approved by the Range Master.
12. Upon successful completion of the weapons qualification course Records shall run a Triple III criminal history check.
13. Approved applicants will then be issued a Concealed Carry ID card valid for 12 months from the date of qualification.
14. The Range Master or designee shall keep a database of qualified retired officers, qualification dates, qualification course of fire, qualification score and the type and serial number of the firearms used to qualify.
15. The Range Master or designee's determination shall be final as to all issues of safety and equipment. Any weapon, holster, ammunition or related equipment found unsafe for qualification and carry will be prohibited on the range and documented.
16. Retired officers living out of state may qualify at a firearms range local to them provided;
 - a. Qualification is completed using the KS CPOST course-of-fire;
 - b. A state-certified law enforcement firearms instructor shall administer the qualification;
 - c. The instructor administering the qualification shall submit a document certifying both a successful qualification as well as their state certification.

H. Range Rules

1. No person will utilize the range without the specific permission of the Chief of Police or designee.
2. Automatic weapons shall not be fired on the range without approval from the Range master and authorization by the Chief of Police.
3. No dry firing without authorization by the Range master.
4. No smoking or use of other tobacco products while on the range.
5. No person who is under the influence of intoxicating beverages or narcotics will be allowed on the range property.
6. No alcoholic beverages will be allowed on the range property.
7. Agencies using the firearms range must annually sign a Hold Harmless Agreement with the Topeka Police Department before use of the range.

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2.8.7 AMMUNITION

- A. Officers may carry personal ammunition on-duty for their primary duty handgun and patrol rifle as long as it is the same make, caliber and load number as what is issued by the department.

2.8.8 ELECTRONIC CONTROLLED DEVICES (ECD)

The ECD is a less lethal force alternative weapon used to gain suspect compliance. The effect of a successful contact is temporary disruption of voluntary muscle control, also known as neuro-muscular incapacitation (NMI).

- A. Only department issued ECD's may be carried while on-duty.
- B. The ECD shall be carried in a cross draw or weak hand side carry position. All ECD's shall be marked to differentiate them from the duty weapon and any other device.
- C. The ECD should be used only against individuals who are exhibiting threatening or assaultive behavior in a manner that, in the officer's judgment, is likely to result in injuries to themselves or others. The ECD is not a pain compliance tool.
- D. ECD's may be used when force is legally justified to prevent the reasonably foreseeable threat or actual attempted assault, battery, and/or injury to officers, other person, and/or the subject.
- E. It is understood that deployments against humans may be very dynamic in nature and the probes may impact unintended areas.
- F. ECD Use

The ECD, in probe deployment mode, provides a use of force option which aids officers in maintaining distance from perceived threats. The use of ECDs in either probe deployment mode or touch stun mode may also prevent officers and subject injuries caused by subject resistance or non-compliance. Using ECDs may also reduce the need for other types of physical force by the officers which could result in potentially more serious injuries to the subject, officers and/or others.

Officers should use the ECD for one cycle and stop to evaluate the situation. If the subject is subdued after one activation, do not apply more cycles. If more cycles are necessary, they are generally limited to three repetitive cycles. Officers should transition to another intermediate weapon if three ECD cycles are ineffective. However, officers may activate more than three cycles in exigent circumstances such as:

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- 1) The subject shows assaultive behavior toward the officer or others and the officer is alone; or
- 2) If the officers at the scene cannot control the subject.

G. Potential For Injury

ECDs are less lethal use of force tools. However, ECDs, just like any use of force tool or technique, can foreseeably create physical and/or muscle stress and/or exertion or other unexpected, unforeseen or unanticipated primary (directly caused by the ECD) and/or secondary (as a result of the ECD use, but not directly caused by the ECD discharge) injuries.

H. Subject Warning of ECD Application

Where the totality of reasonably perceived (to the officers) circumstances permits officers to give a warning of the imminent application of ECDs in an attempt to cause the subject to comply with the officer's lawful orders, officers should give the subject a warning and an opportunity to voluntarily comply. However, if officers reasonably believe that giving of such warning may escalate the risk and/or danger of the incident or diminish the officers' or others' safety, then the officer is not required to give a warning.

I. Notification of ECD Imminent Use To Other On-Scene Officers

The ECD deploying officer(s) may reasonably notify any on-scene or assisting officers that they intend to deploy an ECD. Prior to deploying the ECDs the deploying officers shall consider announcing, if reasonably safe and feasible, "TASER! TASER! TASER!" The announcement shall be made only if it would not reasonably further endanger any officers, other persons, or the suspect.

J. ECD Target

1. Lower center mass of the human body is the target area when discharging the ECDs, particularly the lower center mass of the subject's back (preferred), as clothing tends to be tighter on this part of the body. Officers encountering subjects wearing heavy or loose clothing on the upper body may consider targeting the legs. Sensitive areas shall not be intentionally targeted unless these areas can be justified as primary intended targets under the totality of the circumstances reasonably known to the officers at the time the ECDs are deployed.
2. An ECD shall not be used as a pain compliance tool against a handcuffed subject who merely refuses to move or comply as ordered. An ECD shall not be used to torment, elicit statements from, or to punish any individual.

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3. Generally, officers shall not use an ECD against the following types of individuals:
 - a. Visibly pregnant females;
 - b. Elderly individuals, visibly frail individuals or children;
 - c. Individuals who are handcuffed or otherwise restrained, unless use is necessary to prevent them from causing serious physical injury to themselves or others, and lesser attempts at control have been ineffective;
 - d. Individuals who have been recently sprayed with alcohol-based pepper spray or who are otherwise in close proximity to any combustible material;
or
 - e. Individuals whose position or activity may result in collateral injury (e.g., falls from heights, operating vehicles).

K. ECD-Off

The first cycle of the ECD application is designed to capture the individual so that they can be controlled or restrained, if no additional cycles are necessary the ECD safety shall be activated.

L. ECD Re-Application/Discharge:

1. After one standard ECD cycle, the officer shall evaluate the situation to determine if subsequent cycles are necessary based on the totality of the circumstances. Each ECD application must be independently reasonable and justified. If officers discharge an ECD several times the officers need to be aware of, and monitor, the subject's condition for signs of continuing distress.
2. Multiple applications of the ECD against a single individual, may increase the risk of death or serious injury.

M. Uses Of An ECD On Animals

ECD field deployments have shown positive results and the ECD has been an effective tool against animals. Animals have also shown the ability to quickly recover from the effects of the ECD. As soon as the ECD temporarily disables the animal, officers shall be prepared to act quickly with capture control devices or restraints, or take other appropriate action(s).

N. Probe Removal

1. Emergency medical services shall be promptly summoned to the scene for subjects exposed to either a drive stun or probe deployment. The subject will be medically checked and cleared by AMR.

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2. Any exposed subject who asks for, exhibits or is otherwise deemed in need of further medical assistance should be transported to a medical facility to allow for further treatment and monitoring.
3. Probes superficially in the skin may be removed by an officer who is trained to do so, at the earliest opportunity, after the subject has been secured.
4. Probes embedded in the face, groin, throat, neck, female breasts, or other sensitive area should be removed by medical personnel only.
5. Officers should examine the probe after removal to ensure that it is intact. If any portion of the probe remains embedded in the skin, medical attention should be sought.
6. Caution should be used when handling discharged probes that have penetrated the skin. Latex gloves should be used whenever handling contaminated discharged probes.
7. All injuries should be fully documented and where possible, an officer shall photograph the sight of ECD body contact (other than genital areas or female breasts).

O. Evidence

The removed probes and cartridge shall be placed into evidence as bio-hazardous material by:

1. Treating as bio-hazardous material and latex gloves should be worn during handling;
2. Treat probes that have penetrated the body as biohazard "sharps";
3. Carefully place probes, sharp tip first, back into the expended cartridge bores. Secure with tape; and
4. Place into evidence bag labeled biohazard.

P. Electronic Control Device Officer (ECDO)

1. The ECDO shall be given administrative time to log and maintain ECD, cartridges and other related equipment & inventory records of same.
2. A supervisor may issue ECDs and cartridges.
3. Conduct an annual audit of ECD initial and recertification training to ensure all officers carrying an ECD have met proficiency training.
4. May conduct data port download when needed:
 - a. When an officer's use of an ECD is in question; and
 - b. When a supervisor requests a data port download.
5. Purchases, repairs, and replaces ECDs and cartridges.
6. Ensures cartridge supplies are maintained in secure storage.

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2.8.9 PEPPER SPRAY

- A. Officers may carry authorized pepper spray as an intermediate weapon while on-duty or off-duty.

2.8.10 BATONS

- A. Uniformed Officers engaged in proactive law enforcement duties or responding to calls for service shall carry an authorized baton.

2.8.11 KNIVES

- A. Officers may carry folding knives with a blade length of four (4) inches or less.
- B. Fixed blade knives are authorized for Response Team and the Bomb Squad, related to their duties.
- C. Knives are primarily a cutting tool used to assist in law enforcement duties, and not intended by this agency to be a primary weapon of defense. Extraordinary circumstances may dictate that the duty knife be used in an “immediate defense of life.”
- D. The use of a duty knife in a life-threatening situation must be in conjunction with a reasonable belief that the officer is in imminent danger of death or serious bodily injury and this belief is based on the totality of the circumstances known to the officer at the time.

2.8.12 LESS LETHAL MUNITIONS (IMPACT AND CHEMICAL IRRITANTS)

- A. The Incident Commander must approve the use of impact munitions and crowd control chemical irritant munitions before they are used.